

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 4/30/2024

NATHANIEL K. GREENHILL,

Plaintiff,

-against-

NORDSTROM RACK; ANTHONY GARCIA;  
RICKEY AGYEMANG; POLICE OFFICER  
JUAN SANTANA; POLICE OFFICER JOHN  
FITZSIMMONS,

Defendants.

24-CV-3150 (NSR)

ORDER OF SERVICE

NELSON S. ROMÁN, United States District Judge:

Plaintiff, who is currently incarcerated at the Westchester County Jail, brings this action *pro se*. He asserts claims under 42 U.S.C. § 1983 for excessive force, false arrest, and malicious prosecution, and he brings state law claims. By order dated April 25, 2024, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.<sup>1</sup>

**DISCUSSION**

Because Plaintiff has been granted permission to proceed IFP, he is entitled to assistance from the Court and the U.S. Marshals Service to effect service.<sup>2</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

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<sup>1</sup> Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed *in forma pauperis*. *See* 28 U.S.C. § 1915(b)(1).

<sup>2</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

To allow Plaintiff to effect service on Defendants Juan Santa, John Fitzsimmons, Nordstrom Rack, Anthony Garcia, and Rickey Agyemang through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each defendant. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### CONCLUSION

The Clerk of Court is instructed to (1) send an information package and a copy of this Order to Plaintiff at the address listed on ECF and show service on the docket; and (2) issue a summons for each Defendant, complete the USM-285 form with the address for each Defendant, and deliver to the U.S. Marshals Service all documents necessary to effect service on Defendants.

SO ORDERED.

Dated: April 30, 2024  
White Plains, New York



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NELSON S. ROMÁN  
United States District Judge

**DEFENDANT AND SERVICE ADDRESS FOR EACH DEFENDANT**

1. Police Officer Juan Santa, Shield #026  
White Plains Police Department  
77 South Lexington Avenue  
White Plains, NY 10601
2. Sergeant John Fitzsimmons  
White Plains Police Department  
77 South Lexington Avenue  
White Plains, NY 10601
3. Nordstrom Rack  
3 City Place  
White Plains, NY 10601
4. Anthony Garcia  
Nordstrom Rack Loss Prevention  
3 City Place  
White Plains, NY 10601
5. Rickey Agyemang  
Nordstrom Rack Loss Prevention  
3 City Place  
White Plains, NY 10601